

REMARKS

The Office Action dated July 25, 2005 has been carefully reviewed.

Claims 1-20 are pending in this patent application. By this amendment, claims 1-11, 14-16, and 18-20 has been canceled, claims 12, 13, and 17 have been amended, and claims 21-34 have been added. Reconsideration of this application, as amended, is respectfully requested.

Allowable Subject Matter

Claim 12, 13, and 17 were indicated as being allowable if rewritten in independent form and to include all of the limitations of the base claim and any intervening claim. Such rewriting has done. Thus, it is believed that claims 12, 13, and 17 are in proper form for allowance.

35 U.S.C. § 102 Rejections

Claims 1-11, 14-16, and 18-20 were rejected under 35 U.S.C. § 102 as being anticipated by MRS: Modular Replacement System or Engelbrecht et al (U.S. Patent No. 5,026,399). Claims 1-11, 14-16, and 18-20 canceled.

Newly Added Claims 21-34

Newly added claims 21-34 recite novel and nonobvious limitations. Thus, each of claims 21-34 is allowable over the cited art. For instance, claim 21 recites the following limitations:

wherein when in said right long bone mode (i) said second coupler of said proximal component is positioned in mating relationship with said third coupler of said retroversion component, (ii) said tab is positioned in said first slot, and (iii) no tab is positioned in said second slot, and
wherein when in said left long bone mode (i) said second coupler of said proximal component is positioned in mating relationship with said third coupler of said retroversion component, (ii) said tab is positioned in said second slot, and (iii) no tab is positioned in said first slot. (Emphasis added.)

Neither the MRS reference nor the Engelbrecht reference disclose these limitations. Significantly, both slots of the MRS device are occupied in the left configuration as well as the right configuration. Moreover, the device disclosed in the Engelbrecht reference does not possess an unoccupied slot in both a left configuration and a right configuration.

It is axiomatic that anticipation of a claim under 35 U.S.C. § 102 is proper only if the prior art reference discloses each and every element of the claim. Since neither the MRS reference nor the Engelbrecht reference disclose each and every element of Applicants' new claim 21, neither the MRS reference nor the Engelbrecht reference anticipates Applicants' new claim 21.

Discussion Regarding Patentability of Claims 22-27

Each of claims 22-27 depends directly or indirectly from new claim 21. As a result, each of claims 22-27 is allowable for, at least, the reasons hereinbefore discussed with regard to new claim 21.

Discussion Regarding Patentability of Claim 28

Claim 28 recites the following limitations:

wherein when in said right long bone mode (i) said first coupler of said proximal component is positioned in mating relationship with said second coupler of said retroversion component, (ii) said tab is positioned in said first slot, and (iii) no tab is positioned in said second slot, and

wherein when in said left long bone mode (i) said first coupler of said proximal component is positioned in mating relationship with said second coupler of said retroversion component, (ii) said tab is positioned in said second slot, and (iii) no tab is positioned in said first slot.

As a result, the discussion relating to the patentability of new claim 21 is relevant to the patentability of new claim 28. Thus, new claim 28 is believed to be allowable over the MRS and Engelbrecht references.

Discussion Regarding Patentability of Claims 29-34

Each of claims 29-34 depends directly or indirectly from new claim 28. As a result, each of claims 29-34 is allowable for, at least, the reasons hereinbefore discussed with regard to new claim 28.

Conclusion

In view of the foregoing amendments and remarks, it is submitted that this application is in condition for allowance. Action to that end is hereby solicited.

Respectfully submitted,

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